



sought.” 28 U.S.C. § 2412(d)(1)(B).

After careful consideration of this petition for attorney’s fees, review of the respective briefs for the parties on their cross motions for summary judgment, and review of the Court’s decision of November 30, 2005, the Court agrees with plaintiff that the defendant’s denial of plaintiff’s claim does not appear to have been substantially justified, and finds that the hours billed are not excessive and that the hourly rate claimed is reasonable. Accordingly, the Court will grant plaintiff’s petition.

**AND NOW, this 10th day of February, 2006**, Plaintiff’s Petition for Attorney’s Fees Under the Equal Access to Justice Act, 28 U.S.C. § 2412, As Amended (Document No. 20) is **HEREBY GRANTED.**

SO ORDERED this 10th day of February, 2006.

s/Arthur J. Schwab

Arthur J. Schwab  
United States District Judge

cc: All counsel of record as listed below

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